DECLARATION, POWER OF ATTORNEY AND PETITION
SMALL INVENTOR

I, Paul G. McKinnon, 807 West Forest, Brigham City, Utah 84302, hereby declare that I am a citizen of the United States; that I verily believe that I am the original, first, and sole inventor of the invention Rail Track Vehicle, which is a continuation-in-part application of Provisional Patent Application No. 60/416,823 filed 10/8/2002 entitled "Rail Track Vehicle" described and claimed in the attached specification, that I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration, that I do not know and do not believe that this invention was ever known or used in the United States before my invention thereof, or patented or described in any printed publication in any country before my invention thereof, or more than one year prior to this application, or in public use or on sale in the United States for more than one year prior to this application; that this invention has not been patented or made the subject of an inventor's certificate in any country foreign to the United States in an application filed by me or my legal representatives or assigns more than twelve months before this application; that I acknowledge a duty to disclose information which is material to the examination of the application in accordance with 37 CFR 1.56(a); and that no application for patent or inventor's certificate on the invention has been filed by me or my representatives or assigns or with my knowledge and consent in any country foreign to the United States.

I further appoint Marcus G. Theodore, Registration No. 26,815, 466 South 500 East, Salt Lake City, Utah 84102, Telephone No. (801) 359-8622 as my attorney authorized to act in a representative capacity for the purpose of receiving all responses thereto, responding to office actions, filing amendments, continuation-in-part applications, and other documents necessary for prosecuting the appended application.

I hereby claim the benefit under Title 35, United States Code, Section 120 of the United States application listed above, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States Application in the manner provided by the first paragraph of Title 34, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national filing of this application.

I, the undersigned petition declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements made will jeopardize the validity of the application or any patent issued thereon.

Dated: 10-6-03

Paul G. McKinnon
807 West Forest
Brigham City, Utah 84302

SIGN HERE